

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 106 OF 2004

Javed son of Abdul Rashid Siddique and anr.
.....Petitioners.

Vs.

Arifs Banu daughter of Abdul Rashid
Imamuddin Shaikh.
.....Respondent.
.....

Mr. Omprakash Pandey i/by Pandey & Co. for the
Petitioners.

Ms. Nasreen Ayabi for the Respondent.

CORAM : A.S. AGUIAR, J.
DATED : 11/3/2005.

P.C.:

1. Heard learned Advocates for the petitioner and the respondent.

2. The petitioner who is the father has been appointed as guardian of the minor child in Interim Petition No.14 of 2000 in Guardianship Petition No.6 of 2000. By order dated 2.11.2001 this court (K.K. Baam, J.) made the petition absolute in terms of prayer clause (a) and (b). By granting Prayer clause (a) the petitioner was appointed guardian of

the minor child without remuneration and security. By granting Prayer clause (b) the Respondent-mother was restrained from removing the minor child out of the jurisdiction of this court.

3. The petitioner alleges contempt of this court by the respondent failing to hand over the custody of the minor child to the petitioner as per the order appointing him Guardian of the minor child. It is pertinent to note that the order dated 2.11.2001 was passed *exparte* without hearing the mother-respondent. The child is 6-years old. The petitioner alleges contempt on the part of the respondent as the Respondent-mother has failed to comply with the order dated 2.11.2001. According to the petitioner, the Respondent-wife is refusing to handover the custody of the child to him.

4. *Prima facie* no contempt appears to have been committed. It can be seen from the said order that there is no direction to the Respondent-mother to hand over the custody of the minor child to the petitioner. No case made out. Hence, petition dismissed and disposed of.

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(A.S.AGUIAR, J.)